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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,758	03/02/2005	Johan Massee	M26.12-0013	1112
27367 7590 11/28/2007 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			EXAMINER TOLAN, EDWARD THOMAS	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/501,758

Applicant(s)

MASSEE, JOHAN

Examiner

Edward Tolan

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Supplemental response, 9-7-2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6-16 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) 23-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-16 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant elected Group II claims 1,6-16 and 19-22 on 12-1-2006 without traverse. Applicant has now refiled Group II non-elected claims 2,3 and 17 as new claims 23-27. The restriction requirement of 11-2-2006 is repeated and made FINAL. Claims 23-27 are withdrawn as directed to inventions non-elected.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,7-11,16 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamstra et al. (6,442,988) in view of Sakakibara et al. (5,727,411).

Hamstra discloses a metal cylindrical workpiece (10) having various diameters (11,28) wherein the workpiece (10) is clamped down by a clamping device (16) and the workpiece and a first roller tool (20a) are rotated relative to each other (column 3, lines 20-29). The workpiece is deformed by the first tool while the workpiece is moved along its axis of rotation. A second roller forming tool (20b) is placed into contact with the workpiece at a position behind the first tool (figs. 5A,5B). A tensile stress is produced between the roller tools and a mandrel (22) having a cylindrical region (23) and a tapered region (24). Hamstra does not disclose that the roller forming tools are on a common holder. Sakakibara teaches that it is known to have a roller holder (20) for roller tools (31-33). Roller tools (31,32) have roller portions (31b,32b) one behind the other engaging workpiece portions at different longitudinal portions of the workpiece. It would have been obvious to one skilled in the art the time of invention to mount the roller tools of Hamstra on a common holder as taught by Sakakibara in order to move the roller tools radially as a unit.

Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamstra et al. (6,442,988) in view of Sakakibara et al. (5,727,411) and further in view of Zohler (4,765,058). Hamstra in view of Sakakibara does not disclose a third set of rolling tools behind the first and second sets. Zohler teaches rolling tool sets (24,26) each set being located behind the other along a workpiece axis. The rolling tool sets each have multiple rolling discs. It would have been obvious to one skilled in the art at

the time of invention to provide greater than two sets of rolling tools to Hamstra in view of Sakakibara as taught by Zohler in order to perform multiple forming operations on a workpiece.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamstra et al. (6,442,988) in view of Sakakibara et al. (5,727,411) and further in view of Jenness (6,212,926). Hamstra in view of Sakakibara does not disclose end closing of the tubular product. Jenness teaches that it is known to use a rolling tool (26) to close a tube end. It would have been obvious to one skilled in the art at the time of invention to close the end of the tube of Hamstra in view of Sakakibara as taught by Jenness in order to produce a closed container.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamstra et al. (6,442,988) in view of Sakakibara et al. (5,727,411) and further in view of Wall (6,601,284). Hamstra in view of Sakakibara does not disclose pivoting of the rollers. Wall teaches (fig. 8) pivoting of a rolling tool (104) about an axis. It would have been obvious to one skilled in the art at the time of invention to pivot the tools of Hamstra in view of Sakaibara as taught by Wall in order to decrease a diameter of a workpiece against a mandrel of differing cross-section.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1,6-16 and 19-22 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments concerning a common holder are acknowledged. This feature is common and present in the prior art as taught by Sakakibara.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-273-8300.

EDTOLAN  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Ed Tolan', written over the printed name and title.

ok to enter

Ed Jsh

11-26-07

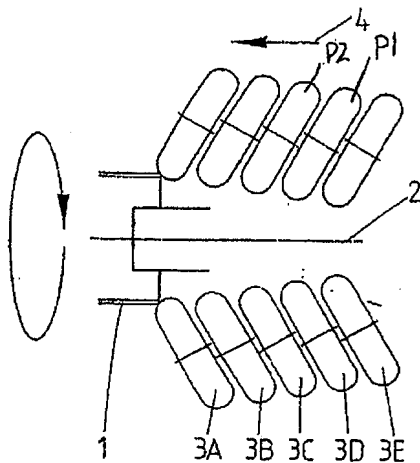


fig.1A

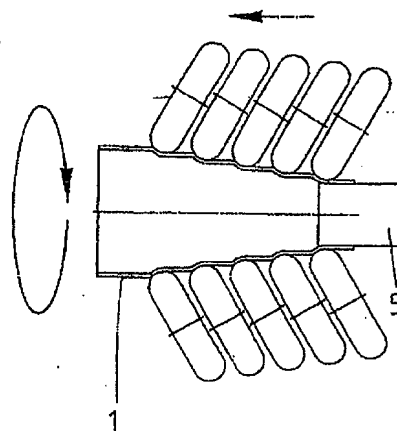


fig.1B

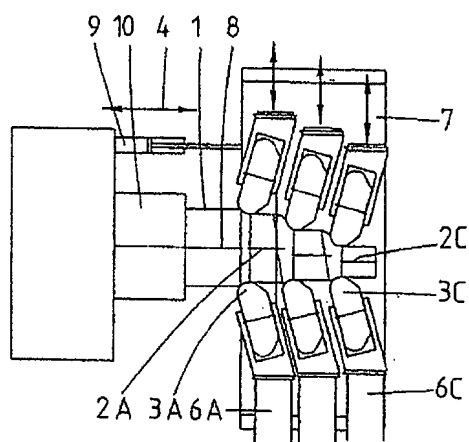


fig.2A

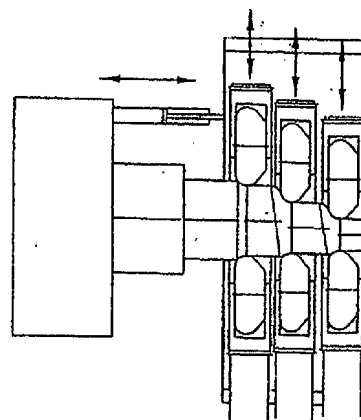


fig.2B